



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

August 10, 2007

In the Matter of

Water Quality Certification

for the

SINGLEY ROAD WIDENING PROJECT
WDID NO. 1B07025WNHU

APPLICANT:	Humboldt County Department of Public Works
RECEIVING WATER:	Road Side Drainages Tributary to the Eel River
HYDROLOGIC UNIT:	Ferndale Hydrologic Subarea No. 111.11
COUNTY:	Humboldt
FILE NAME:	Humboldt Co. DPW – Singley Road Widening Project

BY THE EXECUTIVE OFFICER:

1. On March 14, 2007, the Humboldt County Department of Public Works (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with road widening and drainage modifications along approximately 0.3 mile of Singley Road between the Bear River Casino and the southern interchange with Highway 101. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 10, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The existing road in the project area has little or no shoulder in most areas and one moderately sharp curve. The primary purpose of the project is to improve traffic safety and flow by widening the road surface and paving the road shoulders to meet Humboldt County standards. The road will be widened from twenty feet to thirty-two feet including four feet of paved shoulder on each side.
3. Widening the roadway requires filling and relocation of existing roadside drainage features. The existing roadside drainages are approximately six to eight inches deep, two to four feet wide, and they are typically dry except for during storm events. The roadside drainages will be filled with rock and native material. New asphalt dikes will be placed along the outer edges of the widened road surface to convey runoff into new drop inlets, new culverts, and a new energy dissipation swale.

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4. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404.
5. On March 29, 2007, the Humboldt County Department of Public Works adopted a mitigated negative declaration (SCH No. 2007012040) and a mitigation monitoring and reporting program for the project in order to comply with CEQA. The intent of the mitigation monitoring and reporting program is to ensure effective implementation of the adopted mitigation measures. As a responsible agency, the Regional Water Board has considered the mitigated negative declaration and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. Potentially significant impacts identified in the environmental document within the Regional Water Board's jurisdiction are associated with the filling of wetlands, increasing the potential for soil erosion, loss of top soil, and landslides, changing drainage patterns, and changing the rate and amount of runoff in a manner that will exceed the capacity of the existing or planned storm water drainage system. Proposed measures will mitigate potentially significant project impacts to less-than-significant levels. Mitigation measures and conditions of approval are incorporated into this order by reference. This Water Quality Certification authorizes discharges associated with drainage modifications for road widening; however, it requires that the Applicant comply with all applicable water quality standards and water quality-related conditions and requirements imposed by other agencies for all activities and discharges associated with the Singley Road Widening Project.
6. Compensatory mitigation is required for the permanent impacts to 0.179 acre of existing wetlands associated with filling the roadside drainages. The Applicant submitted a Mitigation and Monitoring Plan for the Singley Road Improvement Project (MMP). The goal of the MMP is to replace the permanently impacted roadside wetlands by creating new wetland habitat in areas adjacent to an area of existing wetland habitat on an adjacent parcel located to the north of the project. The MMP is designed to create 0.179 acre of wetland, enhance the wetland area adjacent to the mitigation site, and establish a 30-foot buffer around the mitigation site.
7. Non-compensatory mitigation is required to address the potentially significant impacts associated with increasing the area of impervious surface and the volume of peak runoff associated with a 100-year rain event. To reduce the peak discharge from the 100-year rain event the project includes installation of a subsurface storm water detention facility designed to limit the post-development storm water runoff to the pre-development runoff conditions during a 100-year rain event. Design calculations and construction plans for the storm water detention facility are contained in the Drainage Mitigation for Singley Road Improvements dated June 28, 2007.

Receiving Water: Roadside drainages in the Ferndale Hydrologic Subarea No. 111.11

Filled or Excavated Area: Area Temporarily Impacted: none

Area Permanently Impacted: 0.179 of wetlands in roadside drainages

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: none

Dredge Volume: None

Latitude/Longitude: 40.62644 N/124.21308 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Singley Road Widening Project (WDID No. 1B07025WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.

7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. The conditions and monitoring and reporting requirements detailed in the Mitigation Monitoring Plan for the Singley Road Improvements Project (MMP) are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation measures identified in the MMP.
12. The Applicant shall install a storm water detention facility as described in the Drainage Mitigation for Singley Road Improvements dated June 28, 2007.
13. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
14. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
15. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a

limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

18. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

19. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
20. The authorization of this certification for any dredge and fill activities expires on August 10, 2012. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine E. Kuhlman
Executive Officer

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Original to: Mr. Hank Seemann, Humboldt County Department of Public Works, 1106
Second Street, Eureka, CA 95501-0579

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,
CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398